

WHEN RECORDED MAIL TO:

Business Development  
Division of Business and Economic Development  
324 South State Street, 5th Floor  
Salt Lake City, Utah 84114

Attention: Mr. Richard Bradford

State No. 2  
SL Escrow No. 301642CP  
County No. 03D-73374

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CAROL DEAN PAGE, DAVIS CNTY RECORDER  
1996 JUL 23 3:07 PM FEE .00 DEP MEC  
REC'D FOR FIRST AMERICAN TITLE CO OF UTA

LAND USE EASEMENT  
(75 LdN)

NW-9-47-1W

**HILLVIEW LTD., a Utah Limited Partnership, as to an undivided 1/2 interest and DAVID N. JOHNSON,** \_\_\_\_\_, Grantors, City of Layton, County of Davis, State of Utah hereby grant and convey to the STATE OF UTAH, Grantee, its successors and assigns for the sum of Ten and no/100 Dollars, a perpetual Land Use Easement for the purpose of protecting the health and safety of the citizens of Utah and assuring the continued operation of Hill Air Force Base as an active military base, as recited by the, Section 63-49a-1 et seq. Utah Code Annotated, 1953, as amended. Said easement regulates the use of the land hereinafter described and makes it subject to the following restrictions.

1. The grantor shall not use or permit any use of the land hereinafter described or any of the air space above said tract of the for any purpose other than following:

- A. ONLY RESIDENTIAL TRANSIENT LODGING WITH NOISE LEVEL REDUCTION (but not in areas above 80 LdN) (see paragraph 2 below).
- B. ALL INDUSTRIAL - MANUFACTURING
- C. TRANSPORTATION - COMMUNICATION & UTILITIES except for noise sensitive communication services
- D. ALL COMMERCIAL - RETAIL TRADE ESTABLISHMENTS
- E. ALL PUBLIC AND QUASI PUBLIC SERVICES except for hospitals, nursing homes, other medical facilities and educational services
- F. OUTDOOR RECREATION ACTIVITIES, including Golf Courses, Riding Stables and Water Recreation
- G. ALL RESOURCES PRODUCTION, EXTRACTION AND OPEN SPACE

2. No residential dwellings shall be allowed under any of the above mentioned uses other than transient lodging with noise level reduction of 30 db.

3. Measures to achieve Noise Level Reductions (NLR) of 30 db must be incorporated into the design and construction of occupied portions of all facilities constructed in the 75-80 areas.

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4. Improvements located on the property subject to this easement at the time said easement is executed shall not be required to be removed. Single family dwellings in existence at the time this document is executed shall not be converted into multiple family dwellings.

5. The uses allowed under this easement shall not affect restrictions places on the property by zoning ordinances and uses which may be permitted in this easement may be prohibited by zoning ordinances. The restrictions of this shall not apply to use existing at the time the easement is executed.

6. The Grantor, his successors or assigns, shall not construct or place, or cause to be constructed or placed, any improvement upon the property subject to this easement which will exceed a height of 317 feet.

7. Any use made of the property subject to this easement by the Grantor, his successors, or assigns, shall be such that no smoke, dust, steam or other substances is related into the airspace which would interfere with pilot vision.

8. The Grantor shall not put said property to a use which shall produce light emissions, either direct or indirect (reflections), which would interfere with pilot vision or a use which would produce electrical or other emissions which would interfere with aircraft communication systems or navigational equipment.

The boundaries of the tract of land for said perpetual easement any right of way are described as follows:

Beginning at a point North 717.09 feet along the section line from the Southwest Corner of the Northwest Quarter of Section 9, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence North 602.91 feet; thence South 89°30'00" East 1283.93 feet along the North line of the South one-half of the Northwest Quarter of said Section 9; thence South 591.71 feet; thence West 1283.88 feet to the point of beginning.

The above described tract of land contains 17.61 acres, more or less.

Pf. 09-045-0006

